

**ZB# 91-9**

**Dr. & Mrs. Michael Pappis**

**27-4-3**

Prelim.

7/25/91.

Need:

① Copy deed  
& title report.

② Photos. ✓

List: 41 ✓

Public Hearing:

May 13, 1991.

Notice to ✓

Sentinel on:

4/23/91. <sup>4/24/91.</sup>

OCD Notified

Fee \$25.00 paid

Off. ✓  
Moran to.

Adjourned to.

6/10/91. -

~~Area~~  
~~Variance~~

~~Approved~~

6/13/91.

Adjourned  
to 6/10/91.

Continued  
P.H. June 10, 1991

Decision:

Area Variance

Granted

12053

## General Receipt

**TOWN OF NEW WINDSOR**  
 555 Union Avenue  
 New Windsor, N. Y. 12550

Received of Kathleen Pappas June 13 1991 \$ 25.00 ~~20~~

Twenty-five and — 00 DOLLARS

For ZBA Application Fee 100 # 91-9

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CH# 2137</u>		<u>25.00</u>

By Pauline N. Townsend  
Town Clerk  
 Title

Williamson Law Book Co., Rochester, N. Y. 14609





70 11 1 1000 1000 1000 1000

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

DECISION GRANTING  
AREA VARIANCE

MICHAEL PAPPIS

#91-9.

-----x

WHEREAS, MICHAEL PAPPIS, residing at 30 Farmstead Road, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an 25 ft. rear yard variance in order to construct a deck on property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 1991 and adjourned to, and continued on, the 10th day of June, 1991, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, MICHAEL PAPPIS, appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were no spectators present at the hearing and there was no correspondence received in response to the notices which were mailed out in conjunction with the application; and

WHEREAS, application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to construct a deck attached to his residence in an R-4 zone.

3. The evidence presented by applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order to allow construction of the proposed deck, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that he is seeking to construct a patio and deck to adjoin the existing french doors located at the rear of his residential dwelling at the above address.

5. The applicant indicated that the ground slopes away from his house to the instant application for a rear yard variance is necessitated by the fact that the patio in reality becomes a deck.

6. The evidence presented by the applicant indicated that he would suffer significant economic injury from the strict application of the bulk regulations to his lot since, if he were to construct the patio at grade level, instead of raising it as the proposed deck, it would require either a large amount of fill being brought into raise the grade (which would cause additional expense for the fill, grading, removing fences and trees, and an additional expense for underground footings for a sunken hot tub which would then be below grade) or a step down patio at grade, below the level of the french doors (which would still cause additional expense for the underground footings for the sunken hot tub which would be below grade).

7. The applicant further indicated that either of the above methods of constructing the patio at grade level, and thus obviating the necessity for a rear yard variance, would cause him significant economic injury because either approach would diminish the value of the house and the utility of the addition by creating either a cliff or a step-down platform, and he would be unable to recover the cost of making the addition conform to the bulk regulations.

8. The evidence presented by the applicant also indicated that, although the proposed deck itself extends back only 15 or 16 ft. from the house, the layout of the rear property lines create the necessity for a 25 ft. rear yard variance.

9. The evidence presented by the applicant substantiated the fact that the addition could not be constructed economically on any other portion of the parcel because of the size and slope of the lot.

10. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

11. The requested variance is not substantial in relation to the bulk regulations for rear yard given the fact that the layout of the rear property lines creates the need for a large variance, but the impact on the neighbors appears to be negligible.

12. The requested variance will not result in substantial detriment to adjoining properties nor change the character of the neighborhood.

13. The requested variance will produce no effect on the population density or governmental facilities.

14. There is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

15. The interest of justice would be served by allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 25 ft. rear yard variance for construction of a deck to be located to the rear of the residential dwelling in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 24, 1991.

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Chairman

(ZBA DISK#5-053085.FD)



Louis Helmbach  
County Executive

Rec'd.  
ZBA 6/5/91 (PAB)

**Department of Planning  
& Development**

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

Peter Garrison, Commissioner  
Richard S. DeTurk, Deputy Commissioner

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT  
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 11 91 M

County I.D. No. 27 / 4 / 3

Applicant Dr. Michael Pappis

Proposed Action: Area Variance - Const. of Deck in rear yard

State, County, Inter-Municipal Basis for 239 Review Within 500' of NYS Rte. 94

Comments: There are no significant inter community or Countywide concerns to bring to your attention.

Related Reviews and Permits \_\_\_\_\_

County Action: Local Determination XX Disapproved \_\_\_\_\_ Approved \_\_\_\_\_

Approved subject to the following modifications and/or conditions: \_\_\_\_\_

5/29/91

*Peter Garrison*  
Commissioner



ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 91-9.

1. Municipality Town of New Windsor Public Hearing Date 5/13/91.  
☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board

2. Owner: Name Dr. Michael Pappis  
Address 30 Farmstead Road, New Windsor

3. Applicant\*: Name (same)  
Address \_\_\_\_\_

\* If Applicant is owner, leave blank

4. Location of Site: about - approx. 200' from Blooming Grove Tpk.  
(street or highway, plus nearest intersection)

Tax Map Identification: Section 27 Block 4 Lot 3

Present Zoning District R-4. Size of Parcel 104x111 x 116 ±

5. Type of Review:

Special Permit: \_\_\_\_\_

Variance: Use \_\_\_\_\_

Area Rear yard - Const. of deck on residence.

Zone Change: From \_\_\_\_\_ To \_\_\_\_\_

Zoning Amendment: To Section \_\_\_\_\_

Subdivision: Number of Lots/Units \_\_\_\_\_

Site Plan: Use \_\_\_\_\_

4/24/91  
Date

Patricia C. Brunkert, Secy.  
Signature and Title

PUBLIC HEARING: DR. PAPPIS, MICHAEL L.

MR. FENWICK: This is a request for 25 foot rear yard variance to construct a deck a 30 Farmstead Road in an R-4 zone.

Dr. Michael L. Pappis came before the Board representing this proposal.

MR. LUCIA: I did not see your deed and title policy. Did you bring that along?

DR. PAPPIS: Just the deed.

MRS. BARNHART: There's no one in the audience.

MR. TORLEY: No.

DR. PAPPIS: Three (3) people at the hospital told me they got their letters from me.

MRS. BARNHART: I made out an affidavit here.

MR. LUCIA: I can't tell, I assume your property is subject to recorded covenants, easements or restrictions. To your knowledge, is there anything of record which would prohibit you from constructing the addition you're proposing aside from whether the Board grants you a variance?

DR. PAPPIS: No.

MRS. BARNHART: This particular one fell under our very newest and our latest ruling that I sent out, I sent out 41 addressed envelopes so I only got 1 return. That didn't have an address.

MR. PETRO: Do you have proof of that?

MRS. BARNHART: Yes, signed by me and notarized by Mr. Lucia.

MR. FENWICK: Explain to us what you are planning on doing and why you're planning on doing it.

DR. PAPPIS: We are building a deck along the rear of our property, centered around that french door. It requires a variance because at the level of the french door, the ground dips. Therefore, it no longer becomes a patio but is qualified as a deck 18 inches off the ground. A variance is required because it doesn't fall

within 40 feet from my nearest property line and it's 18 inches off the ground, one small segment is, a third of it is going to be off the ground.

MR. FENWICK: Do we have? I don't see a drawing here as far as--

MRS. BARNHART: Yes, there is one.

MR. LUCIA: A sketch from the last time.

DR. PAPPIS: I took some additional pictures around the neighborhood showing there are a number of decks much higher.

MR. TORLEY: I don't recall do we have regulations for fencing around hot tubs? Are they considered inground pools?

MRS. BARNHART: We don't have any regulations.

DR. PAPPIS: I have a two year old and we are going to-- the back yard is fenced with the latch with a lock but for my own childrens' safety, this area here would be fenced separately.

MR. TORLEY: Whether they were considering this as a pool just as people get in the water, you know.

DR. PAPPIS: We just put one in our basement and there's a lock and latch above and we are more paranoid than anything else.

MR. LUCIA: If I could have you speak to the issue of practical difficulty, just for a moment. Can you tell me what significant economic injury you would suffer from the strict application of the zoning ordinance?

DR. PAPPIS: Right now, I have french doors looking out into space, okay. To build a deck that would comply with the Zoning Board, would amount to in order to do it mechanically, I'd have to bring, I have a letter about \$1500 worth of fill in to build the area up so it would qualify as a patio and not a deck. That's \$1500 just for the dirt and not counting putting it in the right spot taking down the barriers and maybe even not cutting down a couple of trees to get the dump trucks in there so I think that would be really impractical. It would amount to even more than that. To build a deck, any type of a deck any smaller or with a walk down platform, would really make it difficult to increase the value of a house.

MR. LUCIA: And the money spent in raising the grading wouldn't increase the value?

DR. PAPPIS: No, it would probably reduce it. It would look bazaar. I'd be making a cliff right off my house.

MR. TORLEY: I have one question this is--

DR. PAPPIS: This is 200 feet away, just showing that I just walked around the neighborhood to show that that really--

MR. PETRO: Is this the house here?

DR. PAPPIS: Yes, right here is the french doors. This is my back wall.

MR. PETRO: Deck is only 15, 16 feet out from the house?

DR. PAPPIS: Right.

MR. TORLEY: It was the corner side, I think.

DR. PAPPIS: This corner here comes, you know because of the way the property, my property line sort of goes like that (indicating).

MR. LUCIA: I think there's the file has a plot plan that shows that relationship of your property line.

MR. PETRO: Are you next to Visconti?

DR. PAPPIS: Yes.

MR. FENWICK: We have a letter attached to the application from Bernd Contemporary Woodworker Incorporated. The additional cost to fill the area by the glass sliding door would be \$1,300. This would include spreading and tamping of material. If you have any questions, do not hesitate to call, signed by Mr. Bernd. Any more questions by the Members of the Board? At this time, we'll open it up to the public. Anyone from the public has any questions? If not, I'll close it up.

MR. LUCIA: I don't think we can close this one. This was referred to Orange County Planning on April 24th, which is less than 30 days and the file does not have response from them. Under General Municipal Law 239, we have no power to vote until we got a response or that 30 days has elapsed. So, I think we are going

to have to adjourn the public hearing until the next meeting, which is June 10th. At that point, we'll have a response or the 30 days will have passed and we can close the public hearing at that point.

DR. PAPPIS: What was that?

MR. LUCIA: Because you're within 500 feet of a county or State highway, whatever that is, this had to be referred to the Orange County Planning Department. Under General Municipal Law, when there's a referral to the County Planning Department, this Board has no power to vote until either we have a response from the County Planning Department which we do not have or they have 30 days in which to respond and haven't responded since the referral was sent out April 24th. That 30 days has not yet elapsed so we jurisdictionally do not have the power to vote on your application.

DR. PAPPIS: Do I have to do anything?

MR. FENWICK: No, wait.

MR. LUCIA: Just wait for the time period to pass.

MR. TORLEY: Our next meeting will not be until June 10th so--

MR. FENWICK: There's no reason why that would be 30 days elapsed so that that couldn't be put on the agenda at that time. And, put it in front of everything.

MR. TANNER: Motion we table it until the 10th.

MR. LUCIA: It should be a motion to adjourn the public hearing until the 10th.

MR. TANNER: I make a motion we adjourn the public hearing until the 10th.

DR. PAPPIS: Do I have to come back?

MR. LUCIA: It would be advisable because we are adjourning the public hearing. It's open for all purposes. If a neighbor should show up and want to speak, it would be advisable.

DR. PAPPIS: If I can't make it, can we put it off one more month?

MR. FENWICK: We are trying to get it going.

5-13-91

DR. PAPPIS: Looks like it's going to be--

MR. PETRO: We can leave it for the 10th. If someone--

MR. LUCIA: I was really advising the applicant for his purposes, if he wanted to respond for an objection.

MR. FENWICK: Worse that can happen we can adjourn it.

MR. PETRO: It could go forward but it wouldn't be any worse.

MR. FENWICK: That's right so we'll leave it at that right now.

MR. TORLEY: I'll second it.

ROLL CALL:

Mr. Torley:	Aye
Mr. Petro	Aye
Mr. Tanner	Aye
Mr. Fenwick	Aye

RESIDENCE OF:  
DR. & MRS. M. PAPPIS  
30 FARMSTEAD RD.  
NEW WINDSOR, N.Y. 12553

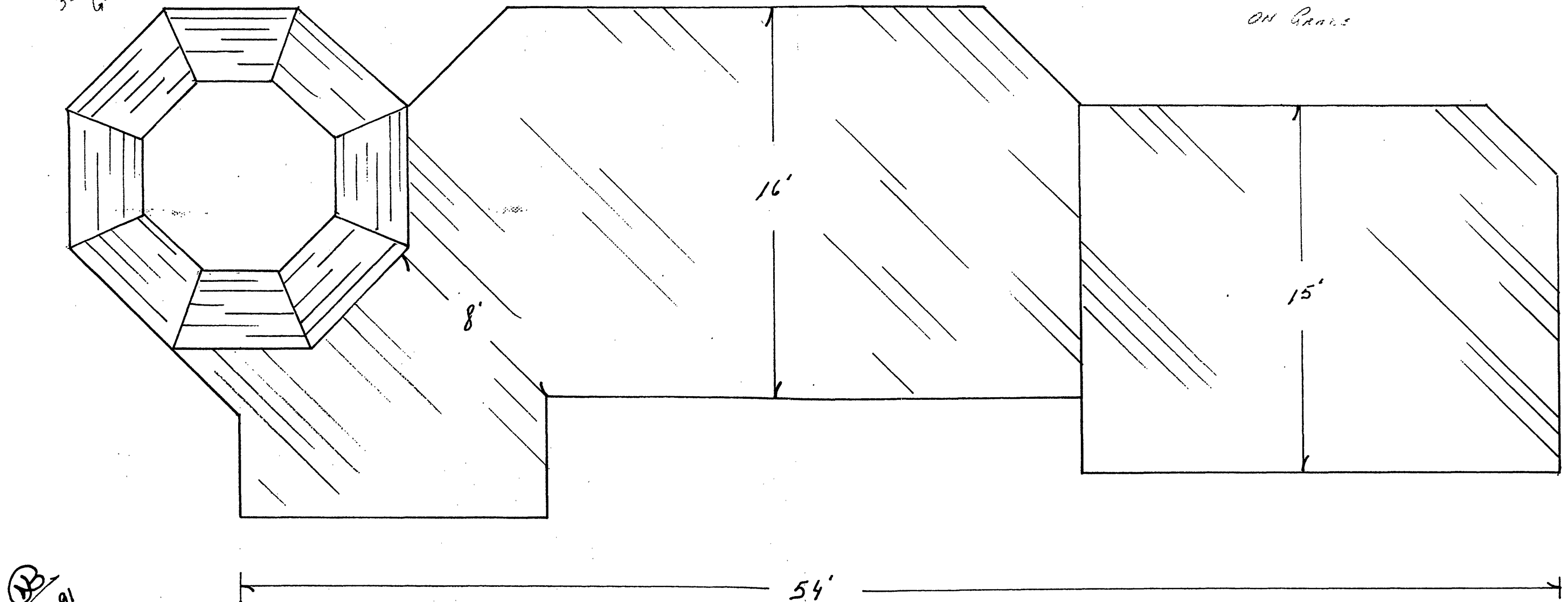
BERND CONTEMPORARY WOODWORKER INC.  
DEPALMA DR. HIGHLAND MILLS, N.Y. 10930  
914-928-9167

SCALE  $\frac{1}{4}" = 1'$

30" BRICK  
GRADE

ON GRADE

ON GRADE



AB  
2-10-91

WARREN

LIBER 2489 / CP350

LOT No. 29

N77°08'20"E

475'

04°1'0"E

10-26'

EVC  
021

WIRE  
FENCE

LOT No. 38

AREA = 0.35± ACRE

SLATE  
PATIO

EXISTING  
TO BE COVERED  
WITH CEDAR

GRAVE

44°49' 3"W

116.52

S45°50'10"E

FARMSTEAD ROAD

(FORMERLY BARCLAY ROAD)

ND:

STOCKADE FENCE

CHAIN LINK FENCE

ADJ N 1/2 PROP LINE

1"=20'

1/2 10

1/2 5

1/2 2.5



OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 3-5-91

APPLICANT: Dr. & Mrs. M. Pappis

Michael & Kathleen

30 Farmstead Rd.

New Windsor, N.Y. 12553

Prelim.  
3/25/91  
91-9.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 2-10-91

FOR (BUILDING PERMIT) 16' x 61' DECK

LOCATED AT 30 FARMSTEAD RD.

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 27 BLOCK: 4 LOT: 3 Lot 38

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT

REAR YARD SETBACK

Michael Schuch  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE D-4

USE A-10

20 FARMSTEAD RD.  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 2-10-91  
FOR (BUILDING PERMIT) 16' x 61' DECK  
LOCATED AT 30 FARMSTEAD RD.

ZONE R-4  
DESCRIPTION OF EXISTING SITE: SEC: 27 BLOCK: 4 LOT: 3 Lot 38

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT  
REAR YARD SETBACK

Michael Schupf  
BUILDING INSPECTOR G.O.

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>A-10</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD. <u>40'</u>	<u>15'</u>	<u>25'</u>
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE	%	%

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

## IMPORTANT

### REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW **MUST** BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2-FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3-INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4-WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5-INSULATION.
- 6-PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME.
- 7-DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR.
- 8-\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9-PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10-THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11-SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12-SPETIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13-ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.

Name of Owner of Premises DR. & MRS. M. PAPPIS.....

Address 30 FARMSTEAD RD...... Phone 561-3550.....

Name of Architect.....

Address..... Phone.....

Name of Contractor BERND NEYBOLD.....

Address 30 DEPALMA DR. HIGHLAND MILLS, NY..... Phone 928-9167.....

State whether applicant is owner, lessee, agent, architect, engineer or builder: BUILDER.....

If applicant is a corporation, signature of duly authorized officer.

BERND NEYBOLD PRES......  
(Name and title of corporate officer)

1. On what street is property located? On the WEST.....side of FARMSTEAD.....  
(N. S. E. or W.)

and .....feet from the intersection of.....

WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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Address 30 FARMSTEAD RD. Phone 561-3550

Name of Architect

Address Phone

Name of Contractor BERND NEYBOLD

Address 30 DEPALMA DR. HIGHLAND MILLS, NY Phone 928-9167

State whether applicant is owner, lessee, agent, architect, engineer or builder. BUILDER  
If applicant is a corporation, signature of duly authorized officer.

BERND NEYBOLD PRES.  
(Name and title of corporate officer)

1. On what street is property located? On the WEST side of FARMSTEAD  
(N. S. E. or W.)

and .....feet from the intersection of.....

2. Zone or use district in which premises are situated .....

3. Tax Map description of property: Section 27 Block 4 Lot 38

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy RESIDENTIAL b. Intended use and occupancy RESIDENTIAL

5. Nature of work (check which applicable): New Building.....Addition.....Alteration.....Repair.....Removal.....

Demolition.....Other..... DECK

6. Size of lot: Front..... Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....

Is this a corner lot? No

7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....

8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....

Number of bedrooms..... Baths..... Toilets.....

Heating Plant: Gas..... Oil..... Electric...../Hot Air..... Hot Water.....

If Garage, number of cars.....

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

.....

10. Estimated cost \$12,000.00 Fee.....  
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....  
Approved.....19.....  
Disapproved a/c.....  
Permit No. ....

Office of Building Inspector  
Michael L. Babcock  
Town Hall, 555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807

Refer —  
Planning Board.....  
Highway.....  
Sewer.....  
Water.....  
Zoning Board of Appeals .....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date... 2/10 ..... 19 9/.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

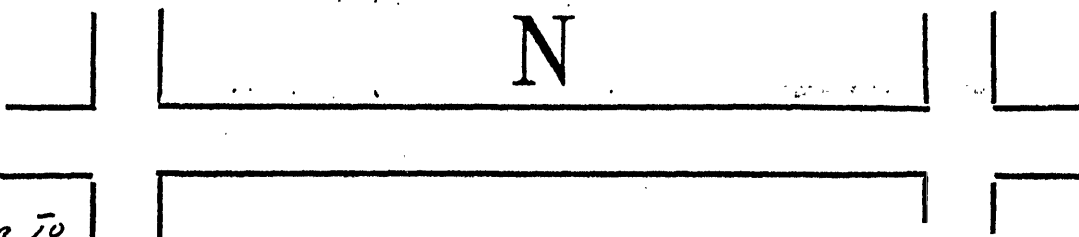
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.  
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE REFER TO

Refer -  
Planning Board.....  
Highway.....  
Sewer.....  
Water.....  
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT  
Pursuant to New York State Building Code and Town Ordinances

Date... 2:10 ..... 19. 91.....

INSTRUCTIONS

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- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

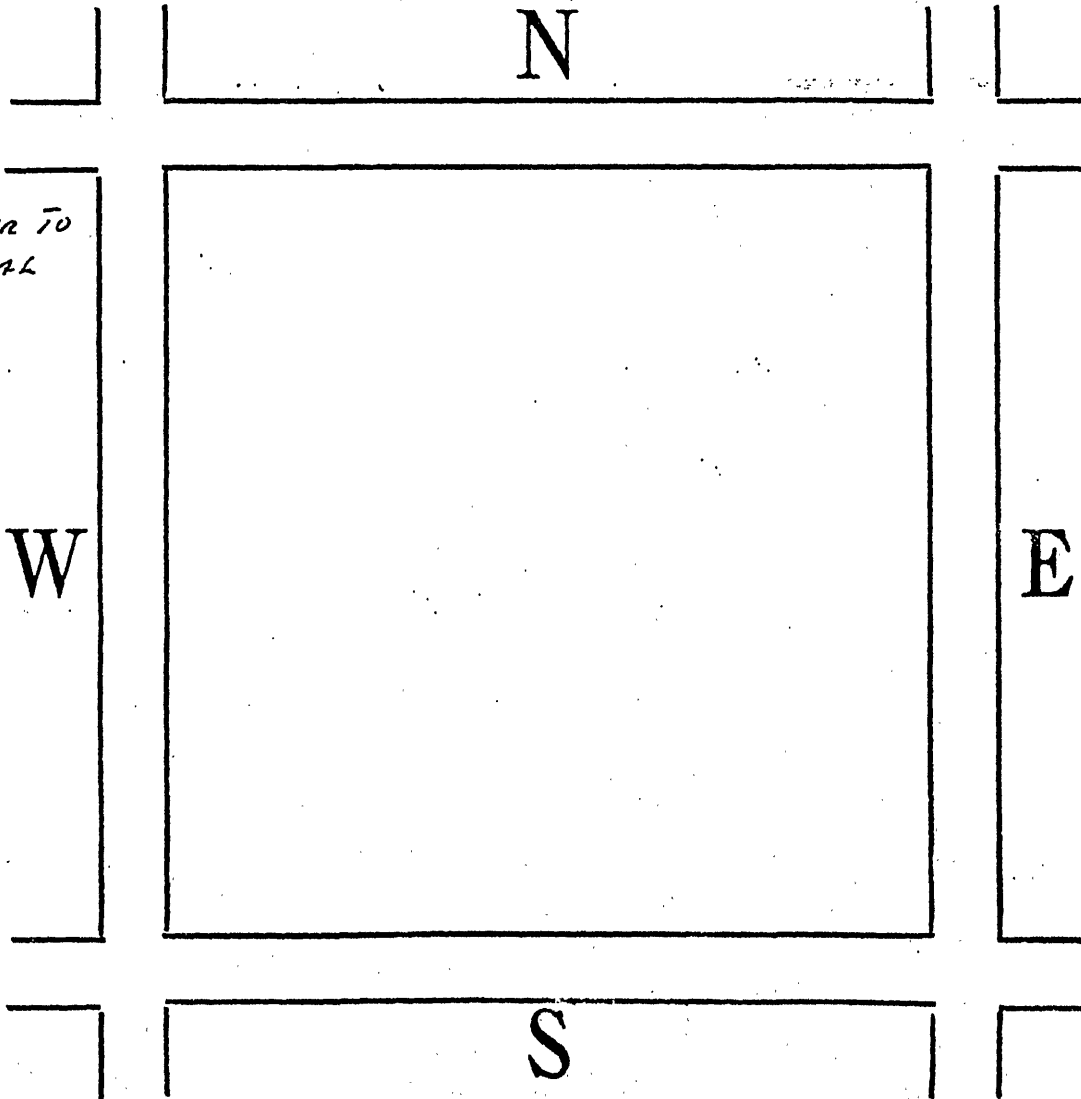
(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE REFER TO  
SUPPLEMENTAL  
PAGE.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 91-9.

Date: 4/23/91

- I. ✓ Applicant Information: KATHLEEN M. PAPPIS and
- (a) PAPPIS, MICHAEL L., 30 Farmstead Road, New Windsor, N. Y. 12553 X  
(Name, address and phone of Applicant) (Owner)
- (b) -  
(Name, address and phone of purchaser or lessee)
- (c) -  
(Name, address and phone of attorney)
- (d) -  
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation.

III. ✓ Property Information:

- (a) R-4 30 Farmstead Road 27-4-3 104 x 111 x 116+  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? N/A
- (d) When was property purchased by present owner? 12/87
- (e) Has property been subdivided previously? No When? -
- (f) Has property been subject of variance or special permit previously? No When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance: N/A.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- (b) N/A The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd.	<u>/</u>	<u>/</u>
Reqd. Rear Yd.	<u>40 ft.</u>	<u>25 ft.</u>
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage*	<u>%</u>	<u>%</u>
Floor Area Ratio**	_____	_____

\* Residential Districts only

\*\* Non-residential districts only

- (b) ✓ The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

As may be seen by the attached exhibit which was furnished by my contractor, it will cost me an additional \$ 1,300. in order to construct my deck at another location on the parcel. I feel that this will cause serious economic injury if I were forced to locate the deck in an area which would require an enormous amount of fill.

\_\_\_\_\_

\_\_\_\_\_

VI. Sign Variance: N/A

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.



- (b) N/A Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) N/A What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation: N/A

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

- (b) Describe in detail the proposal before the Board:

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VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The residence is enclosed with a fence and since Applicant has small children, the hot tub which is constructed within the deck is also going to be fenced. There will be no major changes to the neighboring zone which is residential in nature. I feel that the addition of the deck will beautify my residential parcel and will add grace to the general character of the neighborhood.

IX. ✓ Attachments required:

- x Copy of letter of referral from Bldg./Zoning Inspector.  
x Copy of tax map showing adjacent properties.  
n/a Copy of contract of sale, lease or franchise agreement.  
x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.  
N/A Copy(ies) of sign(s) with dimensions.  
x Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.  
x Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date April 23, 1991

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

x Kathleen M. Pappis  
(Applicant)  
MICHAEL L. PAPPIS  
KATHLEEN M. PAPPIS

Sworn to before me this

29 day of April, 19 91.  
Patricia A. Barnhart

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1991

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_.
- (b) Variance is \_\_\_\_\_.
- Special Permit is \_\_\_\_\_.
- (c) Conditions and safeguards: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

B E R N D Contemporary Woodworker Inc.  
30 DePalma Drive, Highland Mills, N.Y. 10930  
914 928-9167 April 3, 1991

Dear Dr. & Mrs. M. Pappis,

The additional cost to fill the area by the glass sliding door would be \$1,300.00.  
This would include spreading and tamping of material.

Should you have any questions, do not hesitate to call.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Bernd", is written below the typed name.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

41

April 19, 1991

Dr. Michael L. Pappis  
30 Farmstead Road  
New Windsor, NY 12553

Re: Tax Map Parcel #27-4-3

Dear Dr. Pappis:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

LESLIE COOK  
Sole Assessor

LC/cad  
Attachments

cc: Pat Bernhart

Brown, Jeanne C.  
14 Sunrise Terrace  
New Windsor, NY 12553

Brown, Daniel W. & Edith M.  
13 Sunrise Terrace  
New Windsor, NY 12553

Solomon, Marc & Carl  
PO Box 102  
Carnorsie Station  
Brooklyn, NY 11236

Nucifore, Thomas C.  
13 Valley View Dr.  
New Windsor, NY 12553

Pazian, Craig A. & Eileen M.  
55 Barclay Rd.  
New Windsor, NY 12553

Molina, Gilbert & Varnese Ann  
53 Barclay Rd.  
New Windsor, NY 12553

Williams, Gary S. & Debra  
51 Barclay Rd.  
New Windsor, NY 12553

Nunnari, Joseph J. & Irene W.  
49 Barclay Rd.  
New Windsor, NY 12553

Diopoulos, John A. & Christine  
47 Barclay Road  
New Windsor, NY 12553

Antonelli, Anthony & Joan  
45 Barclay Road  
New Windsor, NY 12553

Antonelli, John Joseph & Melanie  
43 Farmstead Road  
New Windsor, NY 12553

Casaccio, Paul & Virginia  
41 Barclay Road  
New Windsor, NY 12553

Schutzman, Lisa Lagueras  
39 Barclay Road  
New Windsor, NY 12553

Green, George A. & Deborah A.  
53 Farmstead Rd.  
New Windsor, NY 12553

Jabbour, Mushen & Karen  
46 Barclay Rd.  
New Windsor, NY 12553

Holt, Lauritz A. & Mary Ann  
22 Farmstead Rd.  
New Windsor, NY 12553

Visconti, Frederick J. Sr. & Marion L.  
4 Farmstead Rd.  
New Windsor, NY 12553

Warren, Dannie C. & Sallie  
6 Farmstead Rd.  
New Windsor, NY 12553

Cook, George & Vivian  
8 Farmstead Rd.  
New Windsor, NY 12553

McDonald, Jr. Jan D. & Ann H.  
10 Farmstead Rd.  
New Windsor, NY 12553

Sartori, John G. & Angela  
12 Farmstead Rd.  
New Windsor, NY 12553

Chidgey, Leonard D. & Phyllis  
14 Farmstead Rd.  
New Windsor, NY 12553

Wickham, Michael V. & Mary C. & Leslie H.  
56 Barclay Rd.  
New Windsor, NY 12553

Volpe, Frank Jr. & Cynthia D.  
52 Barclay Rd.  
New Windsor, NY 12553

Bentz, John V. & Catherine T.  
Barclay Rd.  
New Windsor, NY 12553

Mitchell, Linda J.  
B-13 Candlestick Park Lattintown Rd.  
Middlehope, NY 12550

Antonelli, Achille P. & Josephine M.  
1 Farmstead Rd.  
New Windsor, NY 12553

Trotta, John A. & Ann V.  
3 Farmstead Rd.  
New Windsor, NY 12553

Leo, David J.  
5 Farmstead Rd.  
New Windsor, NY 12553

Dominques, Carlos  
46 Candlestick Hill Rd.  
Newburgh, NY 12550

Wilson, Alvin & Cynthia  
11 Farmstead Rd.  
New Windsor, NY 12553

Kravitz, Alan George  
13 Farmstead Rd.  
New Windsor, NY 12553

Alphonse, Rene & Margaret  
15 Farmstead Rd.  
New Windsor, NY 12553

Foti, Jr. Joseph & Susan  
17 Farmstead Rd.  
New Windsor, NY 12553

Millman, Walter S. M. & Jeanne A.  
38 Blooming Grove Turnpike  
New Windsor, NY 12553

Longo, Steven  
40 Blooming Grove Turnpike  
New Windsor, NY 12553

Stanway, J. David & Suzanne A.  
6 Allen Place  
New Windsor, NY 12553

Devine, Kenneth & Lillian  
5 Allen Place  
New Windsor, NY 12553

Goumas, Eva & Christiano Noni  
732 8th Ave.  
New York, NY 10036

Zampino, Joseph M.  
8 New Market Road  
Garden City, NY 11530

Bacon, Kevin J.  
95 Blooming Grove Turnpike  
New Windsor, NY 12553

In the Matter of Application for Variance of

Applicant.


AFFIDAVIT OF  
SERVICE  
BY MAIL

PATRICIA A. BARNHART, being duly sworn, deposes and says:

On May 2, 1991, I compared the <sup>11</sup>addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
13<sup>th</sup> day of May 19 91 .

  
Notary Public  
ORANGE COUNTY, N.Y.  
COM. EXPIRES 2/20/93

(TA DOCDISK#7-030586.AOS)



PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals  
of the TOWN OF NEW WINDSOR, New York will hold a  
Public Hearing pursuant to Section 48-34A of the  
Zoning Local Law on the following proposition:

Appeal No. 9

Request of MICHAEL L. PAPPIS

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of deck with insufficient

rear yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regulations - Col. G

for property situated as follows:

30 Farmstead Road, New Windsor, N. Y. 12553, known and

designated as tax map Section 27 - Block 4 - Lot 3.

SAID HEARING will take place on the 13th day of  
May, 1991, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

RICHARD FENWICK  
Chairman

PRELIMINARY MEETING: DR. & MRS. M. PAPPIS

MR. FENWICK: This is a request for 25 foot rear yard variance to construct a deck at residence located at 30 Farmstead Road in an R-4 zone.

Dr. Pappis came before the Board representing this proposal.

DR. PAPPIS: We want to build a patio deck in our back yard and this is our lot. We submitted the detail for that. It's just that our house from about this corner on dips down and this corner of the deck wound up being 30 inches above the ground so technically qualifies it as a deck and not as a patio landscaping and the rules of New Windsor and this area is that it has to be 40 feet and it wouldn't be a full 40 feet on the directions that are indicated there.

MR. NUGENT: Where is the house located on Farmstead?

DR. PAPPIS: Do you know Farmstead?

MR. NUGENT: Yes.

DR. PAPPIS: You come up Blooming Grove Turnpike, you make the first right hand turn.

MR. FENWICK: Here's the location map.

DR. PAPPIS: It would sort of fit in from what I can see looking out my back yard, there are at least three other decks that I can see are well within less than 40 feet and I'm sure they have received variances to do that.

MR. NUGENT: You'd be within 15 feet of your neighbor's property?

DR. PAPPIS: Visconte on that one side but he's got a high fence there and I don't think would proposed a problem to him at all, 18 feet this corner is actually where these properties come together and sort of like hidden sheds and junk and not really useable for anything. It's not, he has his garden shed here and there's a shed here and another one there. That really is hidden from the road. And the whole thing is not seen from the road at all and again, there's a majority of the square footage so ground level only that one corner where the property happens to dip and I have a choice either getting a variance and getting a couple

loads of dirt filling it up and calling the whole thing landscape. This is the--

MR. PETRO: Pressure treated lumber?

DR. PAPPIS: Cedar pressure treated frame and cedar on top.

MR. PETRO: You border Mr. Visconte?

DR. PAPPIS: Yes.

MR. FENWICK: Is this going to be a hot tub?

DR. PAPPIS: I hope so. If we get approval.

MR. TORLEY: Aside from the aesthetics of it which is very nicely laid out, what's the reason that you have to put the hot tub there rather than manuver the deck so you don't need the variance.

DR. PAPPIS: Well, you can't sink the hot tub because the corner of that house is about 18 inches off the ground so in order to set the footings to rest the hot tub on, that would be the most convenient location. I just discovered you can't sink a hot tub in the ground otherwise it would be, you know, way up in the air. This way it would be sort of flush with the deck. The alternative would be to have a hot tub where you'd build stairs to climb up to it. There are ways of getting around the variance but this is--

MR. TORLEY: You have to show some injury for this variance.

DR. PAPPIS: Even without the hot tub, I'd still need the variance without it.

MR. FENWICK: It's a deck he's showing, not a hut tub.

MR. TORLEY: I'm just saving--

DR. PAPPIS: What we have done already in the back of the house where the deck part of it would be is knocked out a wall and put in a french door so we can use that space and then we found out that there's a variance now I've got this french door that opens out, doesn't go anywhere. The only real alternative would be to fill the thing in and that would be aesthetically not--

MR. FINNEGAN: For a hot tub, do you need fences for hot tubs?

MR. FENWICK: I don't think so. I don't think they have any--they don't fall into the book anywhere.

DR. PAPPIS: I have three little kids and there's going to be a fence around the hot tub. And the property is fenced.

MR. FENWICK: There's a State code on them. However, your installer is as far as electrical, he knows.

DR. PAPPIS: That's all been done. We have electrical inspection and all that arranged.

MR. FENWICK: Well, I don't know whether you were listening to the last person that was here so that you have to establish, you know, financial difficulty if you are putting it somewhere else what would be the difficulty of here, what would be the impact if you had to move it someplace else on the value of your house. These things, you know, you're saying aesthetics really don't do it when it comes to a reason for doing things but if it in fact would effect the value of your house in a way then it would. Am I correct?

MR. LUCIA: Yes. The Board cannot decide on aesthetics no matter if you, the neighbors and everybody else are unhappy with the present arrangement. Aesthetics cannot in and of itself be a basis for this Board to grant you a variance. The Board needs to make a finding of practical difficulty. That's an economic argument. You'd have to show why you'd suffer economic injury if the law is strictly construed, if you are not granted the variance, you have to show alternatives why you, it would be uneconomic for you to come in with a smaller variance.

DR. PAPPIS: The only other way of doing it would be bringing in an enormous amount of fill and knock down fences.

MR. TORLEY: Those are the kinds of things.

MR. LUCIA: That's the sort of thing you need to prove to the Board. Show us what it would cost to do the alternative if you bring in fill for grading that would not require a variance.

DR. PAPPIS: Do you want me to get an estimate?

MR. LUCIA: That's up to you, how extensive a showing you want to make but you need to make that sort of showing to have the Board make a finding of practical

difficulty. You can't come in and say I'd like the hot tub here because I have the french doors. That unfortunately is not a basis for the Board to decide.

DR. PAPPIS: If I came in with a contractor's estimate that the alternative would be 25 dump trucks of dirt--

MR. FENWICK: You have a contractor already, I would say I would imagine he would be able to take care of, answer your problems. You don't have to bring in somebody else. He can probably do it.

MR. PETRO: Another cost that would be on there would be to build up the hot tub instead of having it flush on the deck, to build it up to where it would be functional. It would be an additional cost. You can throw that in there, not just the dirt.

MR. TORLEY: If he puts the hot tub, you lose the utility of the french doors, you know, it becomes a drag and so on.

DR. PAPPIS: Should I submit it as a written proposal next month?

MR. FENWICK: If you have it, you're going to, whenever you come here for your public hearing, you are going to have to stand here before us and tell us your reasons. It will be part of the record because we have a stenographer here so I mean if you have something in writing that you'd like to give us that'd be fine. We'll probably make you read it anyway.

DR. PAPPIS: When do I come back?

MR. NUGENT: I make a motion that we set him up for a public hearing.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Petro	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

3-25-91

MR. LUCIA: In addition to the other proof, if you would bring a copy of the title policy and some photographs and find out where it is and how it will impact your neighbors who look out through the back yard, some photographs of the general area.

DR. PAPPIS: What date will this be?

MR. LUCIA: It depends on when you return the paperwork.

DR. PAPPIS: Thank you.